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**BILL NO.**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - FOURTH SPECIAL SESSION

BY THE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced:

Referred:

**A BILL****FOR AN ACT ENTITLED**

1 **"An Act establishing the Alaska Resource Rebate Program and relating to the program;**  
2 **suspending the motor fuel tax; and providing for an effective date."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 \* **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section  
5 to read:

6 ALASKA RESOURCE REBATE PROGRAM. (a) Subject to appropriation and  
7 availability of funds for the program, the Alaska Resource Rebate Program is established in  
8 the Department of Revenue to provide residents of the state with a resource rebate.

9 (b) An individual eligible for the program may receive a resource rebate in the  
10 amount of \$1,200. An individual may receive only one payment under the program. If the  
11 department estimates that appropriations for the program are insufficient to meet the demands  
12 of the program, the department may reduce or eliminate the resource rebate available under  
13 the program.

14 (c) An individual may elect not to receive a payment under the program. An

individual who elects not to receive a payment under the program may

(1) provide notice of the election on a form provided by the department; notice must be postmarked or received by the department not later than August 15, 2008; or

(2) return the payment to the department if the individual has received a payment.

(d) The department

(1) shall administer the Alaska Resource Rebate Program; and

(2) may adopt regulations under AS 44.62 to implement this section.

(e) An individual is eligible to receive a payment under the program if

(1) the individual has been determined eligible to receive a permanent fund dividend under AS 43.23 for 2008; or

(2) the individual

(A) timely applies for the resource rebate under the program on a form provided by the department; for an application to be timely under the program, the application must be postmarked or received by the department on or before November 30, 2008;

(B) verifies that the individual is a resident of the state as described in (f) of this section; and

(C) is not ineligible for a permanent fund dividend under AS 43.23.005(d) for 2008.

(f) To qualify as a resident of the state for purposes of (e)(2) of this section, the individual must

(1) voluntarily and physically be present in the state on the date the individual applies for a resource rebate under the program;

(2) have been voluntarily and physically present in the state for 180 days or longer at time of application; and

(3) intend to maintain a home in the state for at least 12 months.

(g) An individual aggrieved by a decision of the department regarding the individual's eligibility to receive a resource rebate under the program, other than a determination based on insufficient funding of the program, may request a hearing before the office of administrative hearings established under AS 44.64.

(h) An individual is liable to the department for the value of the resource rebate improperly paid under the program if the improper payment was based on incomplete, inaccurate, or false information provided by the individual. In a civil action brought by the state to recover from the individual the value of the resource rebate improperly paid under the program, the state may recover from the individual the costs of investigation and prosecution of the civil action, including attorney fees as determined under court rules.

(i) In determining the eligibility of an individual under a public assistance program administered by the Department of Health and Social Services in which eligibility for assistance is based on financial need, the Department of Health and Social Services may not consider a payment under this section as income or resources received by the recipient of public assistance or by a member of the recipient's household unless required to do so by federal law. The Department of Health and Social Services shall notify all recipients of public assistance of the effects of receiving a payment under this section.

(j) An individual who is denied medical assistance under 42 U.S.C. 1396 - 1396v (Social Security Act, Title XIX) solely because of the receipt of a payment under this section by the individual or by a member of the individual's household is eligible for state-funded medical assistance under AS 47.25.120 - 47.25.300 (general relief assistance). The individual is entitled to receive, for a period not to exceed four months, the same level of medical assistance as the individual would have received under 42 U.S.C. 1396 - 1396v had a payment not been received under this section.

(k) An individual who is denied assistance solely because payments under this section received by the individual or by a member of the individual's household are counted as income or resources under federal law is eligible for cash assistance under AS 47.25.120 - 47.25.300 (general relief assistance). Notwithstanding the limit in AS 47.25.130, the individual is entitled to receive, for a period not to exceed four months, the same amount as the individual would have received under other public assistance programs had a payment not been received under this section.

(l) A program administered by the state or any of its instrumentalities or municipalities or by a native organization under AS 47.27.070, 47.27.200, or 47.27.300, the eligibility for which is based on financial need, may not consider a payment under this section as income or resources unless required to do so by federal law.

1 (m) A veteran who is denied or receives reduced disability payments solely because  
2 payments under this section received by the individual are counted as income is eligible for  
3 veteran's benefits under AS 47.25.120 - 47.25.300 (general relief assistance). Notwithstanding  
4 the limit in AS 47.25.130, the individual is entitled to receive, for a period not to exceed four  
5 months, the same amount as the individual would have received under 38 U.S.C. 1101 - 1562  
6 had a payment not been received under this section.

7 (n) Notwithstanding any contrary provision of state law, a payment under the program  
8 is exempt from levy, execution, garnishment, or any other remedy for debt collection, until  
9 after the payment made under this program has been received by the individual. No other  
10 exemption applies to a payment received under the program.

11 (o) In this section, unless the context requires otherwise,

12 (1) "department" means the Department of Revenue;

13 (2) "program" means the Alaska Resource Rebate Program.

14 \* **Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to  
15 read:

16 **SUSPENSION OF THE MOTOR FUEL TAX.** Notwithstanding any other provision  
17 of law, the motor fuel tax imposed under AS 43.40.010 is suspended and may not be collected  
18 for a period beginning August 1, 2008, and ending July 31, 2009.

19 \* **Sec. 3.** Section 1 of this Act is repealed June 30, 2009.

20 \* **Sec. 4.** Section 2 of this Act is repealed August 1, 2009.

21 \* **Sec. 5.** Section 3 of this Act takes effect June 30, 2009.

22 \* **Sec. 6.** Section 4 of this Act takes effect August 1, 2009.

23 \* **Sec. 7.** Except as provided in secs. 5 and 6 of this Act, this Act takes effect immediately  
24 under AS 01.10.070(c).